

PATENT
79183

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:	Daniel Baker)	
)	Confirmation No. 2341
Title:	SYSTEM AND METHOD)	
	FOR DISTRIBUTING)	
	CUSTOMER CONTACTS)	
)	
Serial No.:	09/918,902)	
)	
Filed:	July 31, 2001)	
)	
Examiner:	Al Aubaidi, Rasha S.)	
)	
Art Unit:	2614)	

APPELLANTS' BRIEF ON APPEAL

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

This is an Appeal from the Final Office Action mailed October 9, 2007, finally rejecting all of the pending claims. There was a Pre-Appeal Brief Review requested on January 9, 2008 and Panel Decision maintaining the rejection of all pending claims was mailed on March 3, 2007. Applicable fees accompany this brief.

Should there be any deficiency in fees in connection with this Appeal, the Commissioner is respectfully requested to and is hereby authorized to charge any such deficiency in fees to Deposit Account No. 23-0920.

1. REAL PARTY IN INTEREST

The real parties in interest are Aspect Software, Inc. having places of business at 829 Parkview Boulevard, Lombard, Illinois 60148.

2. RELATED APPEALS AND INTERFERENCES

There are no appeals, interferences, or judicial proceedings related to, directly affecting or affected by, or having a bearing on the Board's decision in the captioned Appeal.

3. STATUS OF CLAIMS

Claims 1-4, 6-25, and 27-33 are currently pending, have been finally rejected, and are being appealed. All other claims (claims 5, 26, and 34-39) have been cancelled without prejudice. All currently pending rejected claims 1-4, 6-25, and 27-33 are being appealed.

4. STATUS OF AMENDMENTS

There were no amendments filed subsequent to the final rejection.

5. SUMMARY OF CLAIMED SUBJECT MATTER

a. Independent Claim 1

Claim 1 recited a method for distributing customer contacts to a selected one of a plurality of transaction processing entities (see e.g., p. 3, lines 24-27; Fig. 1. ref. numerals 20, 22, 72, 74). Each of the plurality of entities is capable of handling a plurality of media types in a transaction processing system (see e.g., p. 3, line 24 to p. 4, line 5). The method comprises determining a media type for a customer contact where the media type is determined by the access channel of the customer contact (see e.g., p. 4, lines 15-26; p. 6, lines 3-5), identifying the media type as exclusive or

non-exclusive (see e.g., p. 8, lines 11-12) and finding a transaction processing entity that is capable of handling the media type (see e.g., p. 9, lines 14-15). The method further comprises routing the customer contact to a transaction processing entity that is capable of handling the media type as a current customer contact (see e.g., p. 9, lines 14-15), and permitting no further customer contacts of the exclusive media type for the duration of the current customer contact by the transaction processing entity when the media type is exclusive (see e.g., p. 9, lines 17-29) and otherwise routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact (see e.g., p. 9, lines 14-23).

b. Independent Claim 13

Claim 13 recites a method for distributing customer contacts to a selected one of a plurality of transaction processing entities (see e.g., p. 3, lines 24-27; Fig. 1. ref. numerals 20, 22, 72, 74) each capable of handling a plurality of media types in a transaction processing system (see e.g., p. 3, line 24 to p. 4, line 5). The method comprises determining a media type for a customer contact in the transaction processing system where the media type is determined by the access channel of the customer contact (see e.g., p. 4, lines 15-16; p. 6, lines 3-5), identifying the media type as exclusive or nonexclusive (see e.g., p. 8, lines 11-12), and preparing a transaction routing table of transaction processing entities based on media types and whether the media types are exclusive or nonexclusive (see e.g., p. 8, lines 20-22; p. 9, lines 14-25; Fig. 2). This method further comprises searching the transaction routing table for a transaction processing entity that is capable of handling the media type (see e.g., p. 9, lines 23-25), determining a metric of how many customer contacts

of the media type have been assigned to the transaction processing entity (see e.g., p. 9, lines 8-9), and comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle (see e.g., p. 8, lines 1-8; p. 10, lines 3-7), and when the metric exceeds the threshold, preferentially routing other customer contacts to other transaction processing entities (see e.g., p. 10, lines 4-7). Then the method calls for routing the customer contact to the transaction processing entity that is capable of handling the media type as a current customer contact (see e.g., p. 9, lines 14-15) and permitting no further customer contact of the exclusion media type for the duration of the current customer contact (see e.g., p. 9, lines 14-23) and, otherwise, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact so long as the metric does not exceed the threshold (see e.g., p. 8, lines 5-8; p. 9, lines 14-23; Fig. 2).

c. Independent Claim 21

Claim 21 recites a method for distributing customer contacts to a selected one of a plurality of transaction processing entities (see e.g., p. 3, lines 24-27; Fig. 1, ref. numerals 20, 22, 72, 74) each capable of handling a plurality of media types in a transaction processing system (see e.g., p. 3, line 24 to p. 4, line 5). The method comprises determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact (see e.g., p. 4, lines 15-16; p. 6, lines 3-5), identifying the media type as exclusive or nonexclusive (see e.g., p. 8, lines 11-12), and preparing a transaction routing table of transaction processing entities based on media types (see e.g., p. 8,

lines 20-22; p. 9, lines 3-5). The method further comprises searching the transaction routing table for a transaction processing entity that is processing a nonexclusive media type (see e.g., p. 10, lines 4-7), searching the transaction routing table for a transaction processing entity that is capable of handling the media type (see e.g., p. 9, lines 23-25), determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (see e.g., p. 9, lines 8-9), and comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle (see e.g., p. 9, lines 9-13), and when the metric exceeds the threshold, preferentially routing other customer contacts to other transaction processing entities (see e.g., p. 10, lines 4-7). When the media type is nonexclusive and the metric does not exceed the threshold, the method calls for routing the customer contact to the transaction processing entity handling a nonexclusive media type that is capable of handling the media type (see e.g., p. 9, lines 23 to p. 10, line 7), and when the media type is exclusive and the metric does not exceed the threshold, routing the customer contact to the transaction processing entity, when the transaction processing entity is not currently handling another exclusive media type customer contact (see e.g., p. 9, lines 4-20).

d. Independent Claim 22

Claim 22 recites a system for distributing customer contacts (Fig. 1, ref. numeral 10) to a selected one of a plurality of transaction processing entities (see e.g., p. 3, lines 24-27; Fig. 1, ref. numerals 20, 22, 72, 74) each capable of handling a plurality of media types in a transaction processing system (see e.g., p. 3, line 24 to p.

4, line 5). The system comprises means for determining (Fig. 1, ref. numerals 34, 40; p. 7, lines 3-15) a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact (see e.g., p. 4, lines 15-26; p. 6, lines 3-5), means for identifying (Fig. 1, ref. numerals 24, 40) a media type as exclusive or nonexclusive (see e.g., p. 8, lines 11-12), and means for finding (Fig. 1, ref. numeral 34, 40) a transaction processing entity that is capable of handling the media type (see e.g., p. 9, lines 14-15). The system further comprises means for determining (Fig. 1, ref. numerals 34, 40) a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (see e.g., p. 9, lines 8-9), and means for comparing (Fig. 1, ref. numerals 34, 40) the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle (see e.g., p. 8, lines 1-8), and when the metric exceeds the threshold, preferentially routing other customer contacts to another transaction processing entity (see e.g., p. 10, lines 4-7). The system further calls for means for routing (Fig. 1, ref. numerals 34, 40) the customer contact to a transaction processing entity that is capable of handling the media type as a current customer contact (see e.g., p. 9, lines 14-15) so long as the metric does not exceed the threshold (see e.g., p. 9, lines 6-20), and means for permitting (Fig. 1, ref. numerals 34, 40) no further customer contacts while the transaction processing entity is servicing said current customer contact when said current customer media type is exclusive (see e.g., p. 9, lines 14-23).

6. GROUND OF REJECTION

Claims 1-4, 6-25, and 27-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6, 665,395 to Busey et al. (“Busey”) in view of U.S. Pat. No. 6,771,765 to Crowther et al. (“Crowther”).

7. ARGUMENT -- ALL PENDING CLAIMS ARE DISTINGUISHABLE OVER THE COMBINATION OF BUSEY AND CROWTHER

a. Independent claims 1 and 13 and claims 2-4, 6-12, and 14-20 which depend therefrom are not rendered obvious by Busey in view of Crowther because neither of the references disclose contact distribution which prevents further assignment of exclusive type contacts when the exclusive type has already been assigned while continuing to assign non-exclusive types.

Claims 1 and 13 recite “permitting no further customer contact of the exclusive media type for the duration of said current customer contact...when said media type is exclusive and, otherwise, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact.” Thus, these claims recite that no additional exclusive media type contact is routed for the duration of the current exclusive media type contact while the non-exclusive media type contacts may still be routed to the entity. Neither Busey nor Crowther teach or suggest contact distribution which prevents further assignment of the exclusive type to a processing entity when an exclusive type has already been assigned while still assigning non-exclusive types to the processing entity.

The Final Office Action argues that Crowther’s highest interruptability skill level “which cannot be interrupted (Col. 7, lines 38-46 and Col. 8, lines 14-20)” (9/28/08 Final Office Action, p. 4, lines 10-13) teaches the claimed exclusive media type, and that it would be obvious “to incorporate the feature of allowing no further customer contacts to be assigned to an agent when handling ‘an exclusive’ customer

contact.” (9/28/07 Final Office Action, p. 4, last 4 lines). However, this is not what is claimed. The claims call for interruptability of the exclusive media type by continued routing of non-exclusive contacts to a processing entity (e.g., agent) currently handling an exclusive media type. As the Final Office Action points out, Crowther teaches the highest interruptability level cannot be interrupted (“the agent can be interrupted only if a request is queued in a skillset of higher interruptability level and only if this agent is assigned to that skillset” Col. 8, lines 14-16). The highest level of priority identified by the Final Office Action in Crowther prevents all further assignment of lower priority contacts which is contrary to the claimed continuing assignment of lower priority contacts. The Final Office Action also concedes that Busey does not teach identifying exclusive and non-exclusive media type or permitting no further contact if exclusive (9/28/07 Final Office Action, p. 4, lines 1-4). Thus, the claims 1-4, and 6-20 are distinguishable over the combination of Crowther and Busey because neither reference discloses this feature of continuing to route non-exclusive media type contacts while blocking further exclusive media type contacts.

b. Independent claims 1, 13, 21, and 22 and claims 2-4, 6-12, 14-20, 23-25, and 27-33 which depend therefrom are not rendered obvious by Busey in view of Crowther because neither reference discloses identifying exclusive and non-exclusive media type.

Crowther discloses a queuing mechanism based upon agent skillsets. All claims call for “determining a media type...media type determined by the access channel...identifying the media type as exclusive or nonexclusive.” Media type is defined in the application as referring to the source or access channel over which the call is processed (p.4, lines 16-18) and the claims clarify this by reciting that media

type is determined by the access channel of the customer contact. Thus, as claimed, media type is clearly distinguishable from the agent skills to which Crowther is addressed. The Final Office Action asserts that agent skills are not distinguishable from media type because agent skills are basically tied to the media type. In fact, media type and skillsets are entirely different concepts. Skillsets concern agent attributes, and media type concerns attributes of a communication channel. For example, the Office Action equates exclusive media type with the highest interruptability level. However, Crowther states “the interrupt level defines....whether agents assigned to a skillset may be interrupted....” (Col. 5, lines 10-12). This is clearly a characteristic assigned to the agent while media type is a characteristic of the media channel. Thus, even if an agent’s skillset would allow the agent to be interrupted, the claimed system would not assign the call if the media channel was exclusive and the agent was already handling an exclusive media channel. Thus, the interruptability level assigned to agent skillsets taught by Crowther is entirely different from the claimed media type. As a consequence, Crowther concerns matching agent skills to requirements of calls while the invention concerns the opposite, matching media type (i.e. channel attributes) to agents. Since interrupt levels in Crowther are assigned to skillsets, they do not teach or suggest the exclusive or non-exclusive media types of the claims, and there is no teaching to support applying the Crowther interrupt to the media types of the claims.

The Final Office Action asserts that media type determines the type of request that needs to be handled by an agent with a particular skillset citing the example in Crowther of an agent logged into a telephone (col. 3, lines 60-67). However, that is

merely an instance in which a specific agent is physically able to receive only telephone calls, not one in which the system determines the media type as exclusive or a non-exclusive. Rather, the Crowther system merely defines the given agent as receiving exclusively telephone calls which does not even prevent the agent from receiving other “exclusive” calls while handling the first call or exclude other exclusive media types. The Final Office Action further asserts that Crowther (at col. 6, lines 55-56) teaches an interruptability level of 1 for some calls which cannot be interrupted. However, this is a priority level attached to the agent's skills and not the media type. (“agent 330 is logged into...skill sets at priority levels p1.” Col. 6, lines 55-56). The interruptability levels in Crowther are based on agent skillsets, not media type. Thus, there is no teaching that supports applying interrupts to media types and no support for using interrupt levels of 1 for media type exclusivity. Accordingly, Busey and Crowther cannot be combined to render the independent claims 1, 13, 21 and 22 obvious.

The Final Office Action also asserts that the difference between media type and agents skills is irrelevant because the claims don’t recite “skills.” However, that is precisely the point, the claims recite “media type” which is distinguishable over the “agent skills” disclosed in the cited prior art. Thus, it is Crowther’s agent skills which are irrelevant. Further, the Final Office Action asserts that the exclusive media type is same as the highest interruptability level, and the non-exclusive media type is the same as the lowest interruptability level. However, this is not accurate. The media type concerns characteristics of the media channel, and is not an agent or agent skillset interruptability level. Therefore, all independent claims 1, 13, 21 and 22 are

distinguishable over the combination of Busey and Crowther, and the remaining dependent claims 2-4, 6-12, 14-20, 23-25, and 27-33 which depend on the allowable base claims are also distinguishable, because neither Busey nor Crowther disclose determining media type based upon access channel or identifying the media type as exclusive or non-exclusive.

c. Independent claims 13, 21, and 22, and dependent claims 7, 8, 14-20, 23-25, and 27-33 are not rendered obvious by Busey in view of Crowther because neither reference discloses determining a metric of how many customer contacts of the media type have been assigned.

Claims 7, 8, and 13-33 call for “determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity.” Busey and Crowther do not teach this feature. The endpoint described in Busey, at Col. 11, lines 15-67 cited in the Office Action, concerns a single communications line (“an endpoint can be thought of as a communication line over which information can be exchanged with a single customer.” Busey, Col. 11, lines 18-20) and does not distinguish media type. Thus, Busey is not concerned with the maximum number of contacts of the media type but merely the number of contacts. Similarly, this feature is not disclosed by Crowther. Therefore, claims 7, 8, and 13-33 are further distinguishable over the combination of Busey and Crowther because neither reference discloses determining how many contacts of the media type have been assigned.

d. Independent claims 13 and 21, and claims 14-20 dependent therefrom are not rendered obvious by Busey in view of Crowther because neither reference discloses a transaction routing table.

Transaction routing tables are recited in independent claim 13 and 21 from which dependent claims 14-20 depend. Such “transaction routing tables of

transaction processing entities based on media type” recited in claims 13 and 21 are not disclosed by Busey or Crowther. Nor do Busey or Crowther suggest such tables based upon media type, neither reference concerns routing based upon media type. Therefore claims 13-20 and 21 are believed to be further distinguishable over the combination of Busey and Crowther for this reason as well.

8. CLAIMS APPENDIX

An appendix containing a copy of the claims involved in the appeal is attached.

9. EVIDENCE APPENDIX

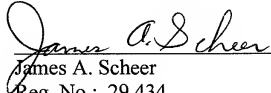
None. There is no evidence submitted by applicants and relied on in this appeal.

10. RELATED PROCEEDINGS APPENDIX

None. There are no related proceedings.

Favorable consideration of this Appeal and allowance of the captioned application are respectfully requested.

Respectfully submitted


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Dated: July 9, 2008

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CLAIMS APPENDIX

1. A method for distributing customer contacts to a selected one of a plurality of transaction processing entities each capable of handling a plurality of media types in a transaction processing system, such method comprising:
 - determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact;
 - identifying the media type as exclusive or nonexclusive;
 - finding a transaction processing entity that is capable of handling the media type;
 - routing the customer contact to a transaction processing entity that is capable of handling the media type as a current customer contact, and permitting no further customer contacts of the exclusive media type for the duration of said current customer contact by said transaction processing entity when said media type is exclusive and, otherwise, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact.
2. The method of claim 1 wherein determining a media type further comprises determining a source of the customer contact.
3. The method of claim 2 wherein the source is an access channel comprising at least one of a telephone, Internet, radio, cellular, satellite, cable, facsimile, email, web and video.
4. The method of claim 1 wherein the media type further comprises a priority level specifying the order in which the customer contacts are to be processed by the transaction processing entity.
5. canceled

6. The method of claim 1 wherein the transaction processing entity comprises at least one of an agent, an agent station, a console, a terminal, and an interactive voice response unit.

7. The method of claim 1 wherein finding a transaction processing entity further comprises:

finding a transaction processing entity that is handling an exclusive media type;
determining a metric of how many customer contacts of non-exclusive media type have been assigned to the transaction processing entity; and

comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle, and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity.

8. The method of claim 7 wherein finding a transaction processing entity further comprises searching a transaction routing table for a transaction processing entity that is processing a nonexclusive media type.

9. The method of claim 1 further comprising using a transaction routing table to list assigned customer contacts to transaction processing entities.

10. The method of claim 9 wherein the transaction routing table is updated once a customer contact has been routed to the transaction processing entity that is capable of handling the media type.

11. The method of claim 1 wherein routing the customer contact further comprises connecting the customer contact to the transaction processing entity that is capable of handling the media type.

12. The method of claim 11 wherein connecting is performed by a matrix switch of an automatic call distributor.

13. A method for distributing customer contacts to a selected one of a plurality of transaction processing entities each capable of handling a plurality of media types in a transaction processing system, such method comprising:

- determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact;
- identifying the media type as exclusive or nonexclusive;
- preparing a transaction routing table of transaction processing entities based on media types and whether the media types are exclusive or nonexclusive;
- searching the transaction routing table for a transaction processing entity that is capable of handling the media type;
- determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity; and
- comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle, and when the metric exceeds the threshold, preferentially routing other customer contacts to other transaction processing entities; and
- routing the customer contact to the transaction processing entity that is capable of handling the media type as a current customer contact and permitting no further customer contact of the exclusion media type for the duration of the current customer contact and, otherwise, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact so long as the metric does not exceed the threshold.

14. The method of claim 13 wherein the capable transaction processing entity comprises an agent station that is equipped with the necessary hardware to handle the media type.

15. The method of claim 14 wherein necessary hardware comprises interfaces to a Internet, cable television, radio, satellite, and a telephone system.

16. The method of claim 13 wherein determining a media type further comprises determining a source of the customer contact.

17. The method of claim 16 wherein the source is an access channel comprising at least one of a telephone, Internet, radio, cellular, satellite, cable, facsimile, email, web and video.

18. The method of claim 13 wherein the transaction processing entity comprises at least one of an agent, an agent station, a console, a terminal, and an interactive voice response unit.

19. The method of claim 13 further comprising using the transaction routing table to list assigned customer contacts to transaction processing entities and to list a maximum number of customer contacts of each media type permitted for each transaction processing entity.

20. The method of claim 19 wherein the transaction routing table is updated once a customer contact has been routed to the transaction processing entity that is capable of handling the media type.

21. A method for distributing customer contacts to a selected one of a plurality of transaction processing entities each capable of handling a plurality of media types in a transaction processing system, such method comprising:

determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact;
identifying the media type as exclusive or nonexclusive;

preparing a transaction routing table of transaction processing entities based on media types;

searching the transaction routing table for a transaction processing entity that is processing a nonexclusive media type;

searching the transaction routing table for a transaction processing entity that is capable of handling the media type;

determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity;

comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle, and when the metric exceeds the threshold, preferentially routing other customer contacts to other transaction processing entities; and

when the media type is nonexclusive and the metric does not exceed the threshold, routing the customer contact to the transaction processing entity handling a nonexclusive media type that is capable of handling the media type;

when the media type is exclusive and the metric does not exceed the threshold, routing the customer contact to the transaction processing entity, when the transaction processing entity is not currently handling another exclusive media type customer contact.

22. A system for distributing customer contacts to a selected one of a plurality of transaction processing entities each capable of handling a plurality of media types in a transaction processing system comprising:

means for determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact;

means for identifying a media type as exclusive or nonexclusive;

means for finding a transaction processing entity that is capable of handling the media type;

means for determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity; and

means for comparing the metric to a threshold relating to a maximum number of customer contacts of the media type that the transaction processing entity may handle, and when the metric exceeds the threshold, preferentially routing other customer contacts to another transaction processing entity;

means for routing the customer contact to a transaction processing entity that is capable of handling the media type as a current customer contact so long as the metric does not exceed the threshold; and

means for permitting no further customer contacts while the transaction processing entity is servicing said current customer contact when said current customer media type is exclusive.

23. The system of claim 22 wherein the means for determining a media type further comprises means for determining a source of the customer contact.

24. The system of claim 23 wherein the source is an access channel comprising at least one of a telephone, Internet, radio, cellular, satellite, cable, facsimile, email, web and video.

25. The system of claim 22 wherein the media type further comprises a priority level specifying the order in which the customer contacts are to be processed by the transaction processing entity.

26. canceled

27. The system of claim 22 wherein the transaction processing entity comprises at least one of an agent, an agent station, a console, a terminal, and an interactive voice response unit.

28. The system of claim 22, wherein the means for finding a transaction processing entity further comprises:

means for finding a transaction processing entity that is not handling an exclusive media type;

means for determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity; and

means for comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle, and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity.

29. The system of claim 28 wherein the means for finding a transaction processing entity further comprises means for searching a transaction routing table for a transaction processing entity that is processing a nonexclusive media type.

30. The system of claim 22 further comprising a transaction routing table to list assigned customer contacts to transaction processing entities.

31. The system of claim 30 further comprising means for updating the transaction routing table once a customer contact has been routed to the transaction entity that is capable of handling the media type.

32. The system of claim 22 further comprising means for connecting the customer contact to the transaction processing entity that is capable of handling the media type.

33. The system of claim 32 wherein the means for connecting comprises a matrix switch of an automatic call distributor.

34-39. canceled